

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled

DISK PROSTHESIS FOR CERVICAL VERTEBRAE WITH CONTROLLED CLEARANCE

☒ the specification of which is attached hereto.
☐ was filed on _____ as International patent application Serial No. _____, and (if applicable) was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information of which I am aware and which is material to the examination of the patent application in accordance with 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designates at least one country other than the United States, listed below and have also identified below, by checking the space, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is not claimed.

Prior Foreign Application(s)

Number

Country

Day/Month/Year Filed

Priority Claimed

03 07 726

FRANCE

26 JunE 2003

X

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Serial Number

Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information known to me which is material to the patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Serial Number

Filing Date

Status (patented, pending, abandoned)

Each undersigned applicant hereby appoints **CONRAD J. CLARK** (Registration No. 30,340) and **CHRISTOPHER W. BRODY** (Registration No. 33,613), as his attorneys with full power of substitution to prosecute the subject application and to transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to: **CLARK & BRODY, 1750 K Street, NW, Suite 600, Washington, DC 20006; Telephone: 202-835-1111; Facsimile: 202-835-1755.**

I hereby declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: CARLI OLIVIERO Date: September 10, 2003
 Inventor's signature: [Signature]
 Residence: 1, Place du Port Case Postale 6193
 Citizenship: SWITZERLAND FRENCH
 Post Office Address: CP 6193 GENEVE

Full name of second joint inventor, if any: Monica M. HORTON Date: September 10, 2003
 Inventor's signature: [Signature]
 Residence: 1 Rue Gauthier
 Citizenship: FRENCH
 Post Office Address: 75012 PARIS

_____ third and subsequent joint inventors are listed on second sheet

VERIFIED STATEMENT (DECLARATION) BY A SMALL BUSINESS CONCERN CLAIMING SMALL ENTITY STATUS UNDER 37 CFR 1.9(F) AND 1.27(C)

APPLICANT OR PATENTEE:
SERIAL OR PATENT NUMBER:
FILED OR ISSUED:

SCIENT'X

DOCKET #:

TITLE: DISK PROSTHESIS FOR CERVICAL VERTEBRAE
WITH CONTROLLED CLEARANCE

GROUP ART UNIT:
EXAMINER:

I hereby declare that I am

- ☒ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern:

Address:

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the matter described in:

- ☒ The specification filed herewith, with the title as listed above.
☐ The patent application identified above.
☐ The PCT International patent application identified above.
☐ The patent number identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern who would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). Each person or organization having any rights in the invention is listed below:

- ☐ No such person, concern or organization.
☐ Each such person, concern or organization as listed below:

FULL NAME	SCIENT'X	<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization
ADDRESS	Bâtiment Calypso - 18, Parc Ariane 78284 GUYANCOURT - FRANCE	

FULL NAME		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization
ADDRESS		

☐ See attached sheet for additional person(s), concern(s) or organization(s).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.

NAME AND TITLE	CARU OLIVIER	DATE	September 10, 2003
ADDRESS	1, Place du Port Case Postale 6193 1207 GENEVE 6 - SUISSE	SIGNATURE	